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9 | Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
TUCSON DIVISION

13 Center for Biological Diversity,  
14 Plaintiff

Civil Action No.:  
4:25-at-99906

## COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

## INTRODUCTION

1. On March 28, 2025, Plaintiff Center for Biological Diversity (“Center”)  
submitted a specific and narrow request for records pursuant to the Freedom of  
Information Act (“FOIA”), 5 U.S.C. § 552, *as amended*, to Defendant U.S.  
Environmental Protection Agency (“EPA”), seeking all requests for Presidential  
Exemptions from the Clean Air Act, 42 U.S.C. 7412(i)(4), that have been submitted to  
EPA since January 20, 2025. In violation of FOIA, EPA has failed to search for and  
disclose responsive records to the Center according to FOIA’s disclosure mandate and  
timeframes. Instead, without lawful basis, and nearly two months after the request was

1 submitted, EPA has told the Center that it needs at least until October 31, 2025—almost  
2 seven months from when the Center submitted its specific and narrow FOIA request—to  
3 provide a response to the Center’s request.

4       2. The Center’s FOIA request concerns Section 112 of the Clean Air Act,  
5 which sets standards for the regulation of hazardous air pollutants that pose a serious  
6 health risk, including cancer, reproductive effects, and other significant health or  
7 environmental harms. *See* 42 U.S.C. § 7412(g)(2)(A). Section 112 also permits the  
8 President, under narrow circumstances, to temporarily exempt polluters from compliance  
9 with those standards. *Id.* § 7412(i)(4).

10      3. Seeking to take advantage of what is intended to be a narrow exemption to  
11 the Clean Air Act, EPA under the new Trump administration created a webpage on March  
12 24, 2025, announcing that it had invited “the regulated community” to submit requests  
13 for Presidential Exemptions to any of nine air pollution rules. *Web Archive Snapshot:*  
14 *Clean Air Act Section 112 Presidential Exemption Information*, EPA (recorded Mar. 27,  
15 2025), <https://web.archive.org/web/20250327150027/https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information>. In  
16 doing so, the EPA effectively volunteered to waive these essential protections that protect  
17 the public and the environment from hazardous air pollution.

18      4. The Center’s March 28, 2025, FOIA request seeks all requests for  
19 Presidential Exemptions submitted to EPA since January 20, 2025. But after FOIA’s  
20 mandatory deadlines for providing a determination had already elapsed, EPA requested  
21 an extension of nearly six months to “provide a response.” Without citing any FOIA  
22 provision that allows it to do so, EPA essentially stated that it would wait for the White  
23 House to make decisions on requests for Presidential Exemptions, and would only  
24 provide “updates” when available even though the Center’s FOIA request sought the  
25 requests themselves and not the ultimate decisions on those requests. The Center  
26 administratively appealed EPA’s constructive denial of its request, stating that EPA had  
27 violated FOIA by failing to conduct an adequate search for the requested records, failing  
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1 to provide a statutorily mandated determination within the deadline required by FOIA,  
2 and failing to promptly provide all records responsive to the Center's request. But  
3 although EPA "granted" and "remanded" the Center's appeal, it only did so on narrow  
4 grounds and ignored the fundamental FOIA violations raised by the Center.

5       5. Accordingly, the Center seeks (1) declaratory relief establishing that EPA  
6 violated FOIA, and (2) injunctive relief ordering EPA to immediately conduct an  
7 adequate search for the requested records, make an immediate determination on the  
8 Center's FOIA requests, and promptly release all requested records and information,  
9 including all reasonably segregable portions of any lawfully exempt records, by a date  
10 certain.

#### JURISDICTION AND VENUE

12       6. This Court has jurisdiction over this matter pursuant to 5 U.S.C. §  
13 552(a)(4)(B) and 28 U.S.C. § 1331 because this action arises under FOIA and the  
14 Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

15       7. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B), because  
16 the Center has its principal place of business in this judicial district.

17       8. Assignment of this case to the Tucson Division of this Court is appropriate  
18 because the Center has its principal place of business in Pima County. LRCiv 77.1(a), (c).

19       9. Declaratory relief is appropriate under 28 U.S.C. § 2201.

20       10. Injunctive relief is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C.  
21 § 2202.

#### PARTIES

23       11. Plaintiff CENTER FOR BIOLOGICAL DIVERSITY is a national, non-  
24 profit conservation organization with offices throughout the United States and its  
25 headquarters in Tucson, Arizona. The Center has over 93,000 members.

26       12. The Center works through science, law, and policy to maintain and increase  
27 protections for air and water; plants, animals, and their native habitats; a livable climate;  
28 public lands; and healthy communities.

1       13. The Center’s Climate Law Institute, which submitted the FOIA request at  
2 issue, specifically focuses on uniting the Center’s programs in coordinated and ambitious  
3 strategies to protect wildlife, ecosystems, and communities from the catastrophic dangers  
4 and damages of climate disruption and the impacts of hazardous air pollution.

5       14. The Center’s Environmental Health Program works to protect biodiversity  
6 and human health from toxic substances while promoting a deep understanding of the  
7 inextricable connection between the health of humans and all other species.

8       15. The Center is harmed by EPA’s failure to comply with FOIA. EPA’s refusal  
9 to process the Center’s FOIA request as required by FOIA harms the Center because it  
10 deprives the Center from obtaining information about which entities have applied for  
11 “Presidential Exemptions” to Clean Air Act regulations that are in place to protect  
12 ecosystems and human health from hazardous air pollutants. The Center’s request seeks  
13 all complete applications for exemptions that have been submitted to EPA since January  
14 20, 2025.

15       16. Having this information would inform the Center—and allow the Center to  
16 inform its members and the public—about areas around the United States that are likely  
17 to experience hazardous air pollution that would otherwise be regulated under the Clean  
18 Air Act.

19       17. EPA’s failure to comply with FOIA also harms the Center’s ability to  
20 provide full, accurate, and current information to the public and its members on a matter  
21 of public interest. Absent this information, the Center cannot fully advance its mission to  
22 protect air and water, wildlife and nature, public lands, the climate, and vulnerable  
23 communities.

24       18. The Center’s activities and its interests in the information are adversely  
25 affected by EPA’s failure to disclose all requested records. This injury will be redressed if  
26 the Court orders EPA to disclose all requested records.

27       19. Defendant UNITED STATES ENVIRONMENTAL PROTECTION  
28 AGENCY is a federal agency tasked with protecting human health and the environment.

1 EPA administers the Clean Air Act, including Section 112. *See* 42 U.S.C. § 7601(a). EPA  
2 is a federal governmental agency within the meaning of FOIA and is in possession and  
3 control of records responsive to the Center’s FOIA request and, as such, it is subject to  
4 FOIA pursuant to 5 U.S.C. § 552(f) and is responsible for fulfilling the Center’s FOIA  
5 request.

6 **STATUTORY BACKGROUND**

7 **The Clean Air Act**

8 20. Section 112 of the Clean Air Act addresses the regulation of hazardous air  
9 pollutants that pose a serious health risk, including cancer, reproductive effects, and other  
10 significant health or environmental harms. Section 112 sets emissions standards for major  
11 sources of hazardous air pollutants based on the “maximum achievable control  
12 technology.” 42 U.S.C. § 7412(g)(2)(A). The purpose of these standards is to  
13 substantially reduce the emission of hazardous air pollutants from major sources by  
14 requiring the use of emission control technologies based on the best-performing sources  
15 in a regulated industry.

16 21. Clean Air Act Section 112(i)(4) permits the President to temporarily exempt  
17 polluters from compliance with emissions standards for hazardous air pollutants “if the  
18 President determines that the technology to implement such standard is not available and  
19 that it is in the national security interests of the United States to do so.” *Id.* § 7412(i)(4).  
20 Congress intended for strict oversight of such exemptions and the Clean Air Act requires  
21 the President to report to Congress any such exemption (or extension thereof). *Id.*

22 **The Freedom of Information Act**

23 22. FOIA’s primary purpose is to improve government transparency and  
24 accountability by requiring the disclosure of agency records and information. It  
25 establishes the public’s right to access all federal agency records, 5 U.S.C. § 552(a),  
26 unless one or more narrow statutory exemptions apply, *id.* § 552(b)(1)-(9).

27 23. Recognizing that the timely disclosure of requested records is essential to  
28 fulfilling its purpose, FOIA includes a disclosure mandate which requires federal

1 agencies to promptly disclose all agency records that are requested in accordance with  
2 FOIA. *Id.* § 552(a)(3)(A), (a)(6)(C)(i).

3       24. Within 20 working days of receiving a request, an agency must: (1)  
4 “determine” if it will release the requested records; and (2) notify the requester of (a) its  
5 determination and reasons for it, (b) the right to seek assistance from the FOIA Public  
6 Liaison, and (c) the right to appeal an adverse determination. *Id.* § 552(a)(6)(A)(i).

7       25. To make the statutorily required determination, the agency must at least: (i)  
8 gather and review the documents; (ii) determine and communicate the scope of the  
9 documents it intends to produce and withhold, and the reasons for withholding any  
10 documents; and (iii) inform the requester that it can appeal whatever portion of the  
11 determination is adverse.

12       26. In “unusual circumstances,” an agency may extend the time to make a  
13 determination by *no more than* 10 additional working days, but it must provide written  
14 notice to the requester setting forth the unusual circumstances for the extension and “the  
15 date on which a determination is expected to be dispatched.” *Id.* § 552(a)(6)(B)(i); 40  
16 C.F.R. § 2.104(f)(1).

17       27. If the agency provides written notice that the request cannot be processed  
18 within the specified time limit, the agency shall provide “an opportunity to limit the  
19 scope of the request so that it may be processed within” the statutory time limit or “an  
20 opportunity to arrange with the agency an alternative time frame for processing the  
21 request or a modified request” and shall “make available its FOIA Public Liaison” to  
22 “assist in the resolution of any disputes between the requester and the agency.” 5 U.S.C. §  
23 552(a)(6)(B)(ii).

24       28. FOIA requires each agency to make reasonable efforts to search for records  
25 in a manner that is reasonably calculated to locate records that are responsive to the FOIA  
26 request. *Id.* § 552(a)(3)(C)–(D).

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1       29. In certain limited instances, records may be withheld pursuant to nine  
2 specific exemptions. *Id.* § 552(b)(1)-(9). These exemptions must be narrowly construed  
3 in light of FOIA’s dominant objective of disclosure, not secrecy.

4       30. An agency bears the burden of proof if it claims any exemption applies to  
5 withhold responsive documents. *Id.* § 552(a)(4)(B).

6       31. Even where records may be exempt from disclosure, FOIA requires  
7 agencies to disclose reasonably segregable portions of those records. *Id.* § 552(b).

8       32. FOIA does not provide agencies with an option to thwart FOIA’s disclosure  
9 mandate and violate its determination deadlines by pointing to an ongoing  
10 decisionmaking process. Nor does FOIA contain any provision that would allow an  
11 agency to substitute a “response” for the required final determination. Even where in  
12 some circumstances an agency may lawfully extend FOIA’s determination deadlines, *see*  
13 *id.* § 552(a)(6)(B)(i), it may nevertheless still disclose responsive records to the requester  
14 in the interim as such records become available.

15       33. Upon request, FOIA requires agencies to provide an estimated date of  
16 completion to FOIA requesters which informs them of an estimated date when the agency  
17 will complete action on their request. *Id.* § 552(a)(7)(B).

18       34. Where an agency fails to make a timely determination and fails to respond  
19 properly to a FOIA request, a requester may administratively appeal the agency’s  
20 “constructive denial” of its request, and if the agency fails to respond to an appeal within  
21 20 working days, the requester is deemed to have exhausted their administrative remedies  
22 and may seek judicial review. *Id.* § 552(a)(6)(C)(i).

23       35. FOIA provides this Court jurisdiction “to enjoin the agency from  
24 withholding agency records and to order the production of any agency records improperly  
25 withheld from the complainant.” *Id.* § 552(a)(4)(B).

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## **STATEMENT OF FACTS**

## EPA's Invitation to Request Exemptions from Air Pollution Rules

3       36. On March 24, 2025, EPA created a webpage announcing that since March  
4 12, 2025, it had invited “the regulated community” to submit requests for Presidential  
5 Exemptions to any of nine air pollution rules. *Web Archive Snapshot: Clean Air Act*  
6 *Section 112 Presidential Exemption Information*, EPA (recorded Mar. 27, 2025),  
7 <https://web.archive.org/web/20250327150027/https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information>. The webpage directed requests for exemptions to the email  
8 address “airaction@epa.gov” with a deadline of March 31, 2025. *Id.*

11       37. The President purports to have already exempted at least 66 facilities from  
12 complying with EPA's Mercury and Air Toxics Standards rule promulgated in 2024,  
13 according to an April 8, 2025, press release. *See* Presidential Proclamation, Donald J.  
14 Trump, Regulatory Relief for Certain Stationary Sources to Promote American Energy  
15 (Apr. 8, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/regulatory-relief-for-certain-stationary-sources-to-promote-american-energy>; EPA, Annex 1 (Apr.  
16 2025) <https://www.epa.gov/system/files/documents/2025-04/regulatory-relief-for-certain-stationary-annex-1.pdf> (listing the exempted sources).

## The Center's FOIA Request

20       38. On March 28, 2025, the Center submitted to EPA a FOIA request for  
21 records, dated from January 20, 2025, to the date that EPA conducts the relevant search,  
22 seeking:

23 The records of requests for a Presidential Exemption under the Clean Air Act  
24 Section 112(i)(4) that are submitted to airaction@epa.gov or submitted to the EPA  
25 by any other means or methods as set forth on the EPA website:  
<https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information>.

26       39. The same day, March 28, 2025, EPA acknowledged that it had received the  
27 Center's request and assigned the request the tracking number 2025-EPA-04839.

1       40. On April 1, 2025, EPA notified the Center that its request “was assigned for  
2 processing.”

3       41. On April 28, 2025, the Center requested an update from EPA on its request  
4 and an estimated date of completion for a determination, as required by 5 U.S.C. §  
5 552(a)(7)(B)(ii).

6       42. On April 29, 2025, EPA notified the Center that “[g]iven the scope of the  
7 request” it was invoking the extension of 10 additional working days for “unusual  
8 circumstances” under FOIA.

9       43. On May 13, 2025—more than 30 working days since the Center submitted  
10 its FOIA request—a member of EPA’s FOIA staff sent an email to the Center “requesting  
11 an extension until October 31, 2025, to provide a response to [the Center’s] FOIA request  
12 as the decision-making process is currently ongoing.” EPA stated that “[t]he White House  
13 continues to process the requests for exemptions, and we are awaiting their decisions.”  
14 The email stated that EPA will only “provide any updates as they become available.”  
15 Thus, EPA did not commit to produce responsive records to the Center as such records  
16 become available.

17       44. On May 14, 2025, the Center appealed EPA’s constructive denial of the  
18 Center’s FOIA request. The Center’s appeal stated that EPA had failed to conduct an  
19 adequate search for all responsive records, had failed to provide a timely determination  
20 within FOIA’s mandated deadlines, and had failed to promptly produce all responsive  
21 records. The Center did not agree to EPA’s request for an extension until October 31,  
22 2025, and stated that EPA must immediately conduct an adequate search for responsive  
23 records, provide a determination on the Center’s request, and produce all responsive  
24 records.

25       45. On May 21, 2025, EPA acknowledged receipt of the Center’s appeal.

26       46. On June 10, 2025, EPA released a single record in response to the Center’s  
27 FOIA request. The lone record was a 10-page application submitted by two industry  
28 organizations to EPA for Presidential Exemptions for stationary sources under only one

1 out of the nine rules mentioned by EPA in its original announcement. That application  
2 was already obtained by news outlets and has been publicly available since April 2025.  
3 See *Web Archive Snapshot: Petrochemical Lobbyists Email Trump EPA Administrator*  
4 Zeldin, Environmental Defense Fund (recorded June 24, 2025), <https://web.archive.org/web/20250624144225/https://www.edf.org/media/petrochemical-lobbyists-email-trump-epa-administrator-zeldin-ask-exempt-all-sources-limits>.

7 47. On June 11, 2025, EPA sent a letter to the Center “granting” the Center’s  
8 appeal. EPA’s letter stated the appeal was granted because EPA’s “request for extension  
9 was not sufficient” because it “did not provide the Center an opportunity to modify the  
10 request, or to arrange for an alternative time frame for completion of processing” and it  
11 “did not provide contact information for the FOIA Public Liaison nor did it notify the  
12 Center of the right to receive dispute resolution services.” EPA remanded the FOIA  
13 request internally to fix those deficiencies within 10 working days.

14 48. But EPA’s appeal determination was silent on the central issues in the  
15 Center’s appeal: that EPA had failed to conduct an adequate search for responsive  
16 records, failed to provide a determination within FOIA’s mandated deadlines, and failed  
17 to produce all records responsive to the Center’s request.

18 49. On June 18, 2025, EPA sent the Center a revised request for an extension on  
19 the Center’s FOIA request. The June 18 request only revised the remanded issues. It did  
20 not state that EPA would process the Center’s FOIA request without waiting for any  
21 White House “decision-making process” to play out.

22 50. EPA has not proceeded to process the Center’s FOIA request, nor has it  
23 provided any statutory basis for doing so.

24 51. As of the date of this filing, more than 20 working days have passed since  
25 EPA received the Center’s March 28, 2025, request, tracking number 2025-EPA-04839.  
26 The extension of 10 working days claimed by EPA has also passed as of the date of this  
27 filing.

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1       52. As of the date of this filing, EPA has not provided a determination to the  
2 Center that describes the scope of the records EPA intends to produce or withhold,  
3 explains the reasons for withholding any records, or informs the Center that it may appeal  
4 any specific adverse determination within the relevant time periods in 5 U.S.C. §  
5 552(a)(6)(A)(i) or § 552(a)(6)(B).

6           53. As of the date of this filing, EPA has not provided any other requested  
7 records to the Center.

## **CLAIMS FOR RELIEF**

## **FIRST CLAIM FOR RELIEF**

## **EPA Has Failed to Conduct an Adequate Search for Responsive Records**

11       54. Plaintiff re-alleges and incorporates by reference the allegations made in all  
12 preceding paragraphs.

13        55. The Center properly requested records within the control of EPA through its  
14 March 28, 2025, request, tracking number 2025-EPA-04839.

15        56. The Center has a statutory right to have EPA process its March 28, 2025,  
16 FOIA request in a manner that complies with FOIA. 5 U.S.C. § 552(a)(3).

17       57.   EPA violated the Center’s rights in this regard because EPA has unlawfully  
18 failed to conduct an adequate search reasonably calculated to locate all records  
19 responsive to the Center’s FOIA request. *Id.*

20        58.    EPA has no lawful basis under FOIA for its failure to conduct an adequate  
21 search for records responsive to the Center’s March 28, 2025, records request.

22        59. The Center is deemed to have exhausted its administrative remedies  
23 pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

24        60. The Center's organizational activities will be adversely affected if EPA is  
25 allowed to continue violating FOIA's requirements to conduct an adequate search for  
26 records responsive to the Center's March 28, 2025, records request.

1       61. Based on the nature of the Center's organizational activities, it will  
2 undoubtedly continue to employ FOIA's provisions in records requests to EPA in the  
3 foreseeable future.

4       62. Unless enjoined and made subject to a declaration of the Center’s legal  
5 rights by this Court, EPA will continue to violate the Center’s rights under FOIA to an  
6 adequate search for records responsive to the Center’s March 28, 2025, records request.

## **SECOND CLAIM FOR RELIEF**

## **EPA Has Failed to Comply with FOIA's Mandatory Determination Deadline**

9       63. Plaintiff re-alleges and incorporates by reference the allegations made in all  
10 preceding paragraphs.

11       64. The Center has a statutory right to a lawful final determination from EPA  
12 on the Center's March 28, 2025, FOIA request in a manner that complies with FOIA. 5  
13 U.S.C. § 552(a)(6)(A)(i).

14        65. In order to make a lawful determination, EPA must at least: (i) gather and  
15 review the documents; (ii) determine and communicate the scope of the documents it  
16 intends to produce and withhold, and the reasons for withholding any documents; and  
17 (iii) inform the requester that it can appeal whatever portion of the determination is  
18 adverse.

19       66. The deadline for EPA to provide a determination on the Center's request  
20 has lapsed because more than 20 working days have passed since EPA received the  
21 Center's request and the extension of 10 working days claimed by EPA has also passed.

22       67.   EPA's failure to provide a lawful determination on the Center's request by  
23 FOIA's mandatory deadlines violates the Center's right to a determination.

24       68.    EPA has no lawful basis under FOIA for its delay and has provided no  
25 lawful basis to withhold a determination in response to the Center’s March 28, 2025  
26 FOIA request.

27        69. The Center is deemed to have exhausted its administrative remedies  
28 pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

1       70. Based on the nature of the Center's organizational activities, it will  
2 undoubtedly continue to employ FOIA's provisions in records requests to EPA in the  
3 foreseeable future.

4       71. Unless enjoined and made subject to a declaration of the Center's legal  
5 rights by this Court, EPA will continue to violate the Center's right to receive a  
6 determination in response to the Center's request for records under FOIA.

## **THIRD CLAIM FOR RELIEF**

## EPA Has Failed to Promptly Disclose all Responsive Records

9           72. Plaintiff re-alleges and incorporates by reference the allegations made in all  
10 preceding paragraphs.

11       73. The Center has a statutory right to the prompt disclosure of requested  
12 records. 5 U.S.C. § 552(a)(3)(A), (a)(6)(C)(i).

13       74.    EPA has violated the Center's rights in this regard by withholding records  
14      that are responsive to the Center's March 28, 2025, FOIA request.

15       75.   EPA has provided no lawful basis to withhold records responsive to the  
16 Center's March 28, 2025 FOIA request pursuant to any of FOIA's nine exemptions to  
17 mandatory disclosure or to withhold any segregable, nonexempt portion of the records.  
18 *See id.* § 552(a)(8)(A), (b)(1)–(9).

19       76.   EPA has no lawful basis under FOIA for its delay and has provided no  
20 lawful basis to withhold responsive records in response to the Center's March 28, 2025  
21 FOIA request.

22        77. The Center is deemed to have exhausted its administrative remedies  
23 pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

24        78. Based on the nature of the Center's organizational activities, it will  
25 undoubtedly continue to employ FOIA's provisions in records requests to EPA in the  
26 foreseeable future.

1       79. Unless enjoined and made subject to a declaration of the Center's legal  
2 rights by this Court, EPA will continue to violate the Center's right to promptly receive  
3 all records responsive to its FOIA request.

## **PRAYER FOR RELIEF**

5 WHEREFORE, the Center requests that this Court:

6 A. Declare that the Defendant violated FOIA by failing to conduct an adequate  
7 search for records responsive to the Center’s March 28, 2025, FOIA request, tracking  
8 number 2025-EPA-04839, failing to provide a lawful determination within 30 working  
9 days on the Center’s request, and failing to promptly disclose all records responsive to  
10 the request;

11           B. Order the Defendant to search for any and all responsive records to the Center's  
12 March 28, 2025, FOIA request, tracking number 2025-EPA-04839, using search methods  
13 reasonably likely to lead to discovery of all responsive records with the cut-off date for  
14 such search being the date the search is conducted;

15 C. Order the Defendant to immediately make a determination on the Center's  
16 March 28, 2025, FOIA request, tracking number 2025-EPA-04839;

17 D. Order the Defendant to promptly produce, by a date certain, all nonexempt  
18 responsive records or segregable portions of the records and a *Vaughn* index of any  
19 responsive records or portions of responsive records withheld under a claim of  
20 exemption, at no cost to Plaintiff;

21 E. Enjoin the Defendant from continuing to withhold any nonexempt responsive  
22 records or segregable portions of the records;

23 F. Retain jurisdiction of this action to ensure the processing of the Center's FOIA  
24 request and that no agency records or portions of the records are improperly withheld;

25 G. Award the Center its costs and reasonable attorney fees pursuant to 5 U.S.C. §  
26 552(a)(4)(E) or 28 U.S.C. § 2412; and

27 H. Grant such other and further relief as the Court may deem just and proper.

1 DATED: June 25, 2025

2 Respectfully submitted,

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